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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,309	12/10/2004	Ken Sakamura	263082US90XPCT	3872
22850 7590 06/14/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAIL, ALLYSON NEEL	
			ART UNIT 2876	PAPER NUMBER
			NOTIFICATION DATE 06/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/516,309

Applicant(s)

SAKAMURA ET AL.

Examiner

Allyson N. Trail

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/05 4/06, 7/06, 8/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hori (2004/0088510).

With respect to claims 1, 5, 6, and 10, Hori illustrates an IC card in figure 8. The card includes a holder 1415 configured to store first digital contents (license administration file),

a certificate data storage 1400, configured to store certificate data including key information associated with the first digital contents (see paragraphs 0113-0114),

an encryption processor 1408,

an execution processor (controller), 1420,

the execution processor is configured to execute a predetermined command when the controller receives a predetermined trigger signal,

wherein the predetermined command causes the execution processor to store a state of the IC card before transmission of the first digital contents, and causes the encryption processor to perform an encryption process on the first digital contents.

Paragraph 0206 specifically discloses an operation of shifting (execution processor) the license from memory card 120 shown in FIG. 13 to memory card 110, the session key sent from memory card 110 on the receiver side and the entry number to be shifted or copied are recorded in send log 80 (see steps S340 and S350 in FIG. 15). In the processing of performing shift/copy from memory card 120 to memory card 110, the same session key Ks2b is recorded in session key 72 of receive log 70 and session key 81 in send log 80 (see step 332 in FIG. 14 and steps S340 in FIG. 15). Therefore, when the communication is interrupted during the shifting or copying of the license from memory card 120 to memory card 110, the processing of shifting or copying the license from memory card 120 to memory card 110 can be specified by determining that session key 81 recorded in send log 80 of memory card 120 matches with session key 72 recorded in receive log 70 of memory card 110.

Paragraph 0017 discloses deleting the first digital contents from the holder when a commit instruction indicating completion of a reception process on the encrypted processor to perform as encryption process on the first digital contents, based on the key information associated with the first digital contents.

Paragraph 0206 additionally teaches above performing a return process to the state of the IC card stored in the execution processor when a transmission process on the first digital contents is interrupted.

With respect to claims 2, 7, and 11, Hori additionally discloses transmitting a transmission request for second digital contents to the destination device from the IC card when the commit instruction is received, and deletes the first digital contents from

holder when a reception process on the second digital contents is completed. See paragraph 0062 and figures 1 and 14.

With respect to claims 3 and 12, Hori discloses in paragraph 0229 an authenticator configured to obtain certificate data of the destination device (controller) from the controller, and to authenticate the controller based on the certificate data, prior to transmission of the first digital contents and further teaches wherein the execution processor is configured to execute the predetermined command when the destination device is authenticated. Specifically paragraph 0229 discloses upon start of the transmission of licensing data, the user of reproduction terminal 100 inputs the reproduction instruction through console panel 1108 to reproduction terminal 100 (step S700). The controller 1106 then requests the output of certification data to content reproducing circuit 1550 via bus BS3 (step S702), and content reproducing circuit 1550 receives this output request for the certification data (step S704). Certification data holding unit 1500 provides certification data (step S706), and the controller 1106 provides certification data to the IC card 110 via the memory card interface 1200 (step S708).

With respect to claim 4, Hori discloses throughout the specification, setting an access level to the first digital contents stored in the holder (see paragraphs 0015, 0089, 0150). Paragraph 0180 discloses a session key (ID).

With respect to claim 5, as is discussed above with regards to claim 1, Hori teaches transmitting certificate data, stored in the certificate data storage to the controller. See figure 18, which discloses confirming the certificate data. Clearly the

digital contents are not transmitted to the IC card from the controller until the certificate is authenticated.

With respect to claim 9, Hori discloses in paragraph 0176 including a display (with the not shown input means), which is configured to read information on the first digital contents from the holder for display.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hori in view of Ishiguro et al (2006/0142059), hereinafter Ishiguro.

Hori's teachings above fail to specifically teach the interruption occurring when there is no response from the destination device during a lapse of a predetermined waiting time.

With respect to claim 8, Ishiguro discloses in paragraph 0038, that the control means controls the communicative means so as to make an interruption of communication with a communication destination after the lapse of a given time.

In view of Ishiguro's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to make an interruption of communication with a communication destination after a certain lapse of time as is taught by Ishiguro. Hori discloses in paragraph 0207 that an interruption may occur

because a certain matter, yet fails to give a specific matter that would cause an interruption. One would be motivated to cause an interruption after a certain lapse of time when no communication has occurred because if communication is lost, it would have to be reestablished. An interruption would allow for the reestablishment of the communication.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Miyake et al (2001/0032237) and Stefik et al (2006/0200417).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[allyson.trail@uspto.gov](mailto:allyson.trail@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file.*

*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35*


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*U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG*

89.

AJ

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
June 4, 2007

  
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